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December 23, 2021

BY ECF AND UPS OVERNIGHT

The Hon. Freda L. Wolfson
Chief United States District Judge
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building
402 East State Street
Trenton, New Jersey 08608

***Re: MSP Recovery Claims, Series LLC et al. v. Celgene Corp. et al.,
21-cv-20451-KM-JBC***

Related cases before Judge Salas:

Humana Inc. v. Celgene Corp., 2:19-cv-07532-ES-MAH

United HealthCare Servs., Inc. v. Celgene Corp., 2:20-cv-18531-ES-MAH

BCBSM, Inc., et al. v. Celgene Corp. et al., 2:21-cv-06668-ES-MAH

Blue Cross & Blue Shield Ass'n v. Celgene Corp. et al., 2:21-cv-10187-ES-MAH

Cigna Corp. v. Celgene Corp., 2:21-cv-11686-ES-MAH

Dear Chief Judge Wolfson,

This firm represents (together with co-counsel at Williams & Connolly LLP) Defendants Celgene Corporation and Bristol-Myers Squibb Company in the six related matters listed above, and write pursuant to Local Civil Rules 40.1(c) and (d) concerning the judicial assignment of *MSP Recovery Claims, Series LLC et al. v. Celgene Corp. et al.*, 21-cv-20451-KM-JBC ("*MSP*"), which was filed in this District on December 10, 2021, and which has been assigned to Judge Kevin McNulty and Magistrate Judge James B. Clark. *See* ECF 9.

We respectfully request reassignment of *MSP* to Judge Esther Salas in view of its relatedness to the five actions listed above, all pending before Judge Salas. The Plaintiffs in *MSP* consent to this request.

MSP is the sixth in a set of actions against Celgene and its corporate parent to be filed in or transferred to this District, and all five of the other actions are pending before Judge Salas. The Complaints in each action allege overpayments in reimbursements for two Celgene medications on the basis of alleged antitrust violations. The Complaint in *MSP* makes substantially similar allegations and brings substantially similar claims to those in the complaints in the five earlier-filed actions pending before Judge Salas; the only material difference in the allegations for present

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purposes is the identity of the insurance company (or affiliate or assignee of an insurance company) that is the plaintiff in each action. *Humana*, the first insurer opt-out case filed, was assigned to Judge Salas. *United HealthCare* and *BCBSM* were transferred to this District by the District of Minnesota in December 2020 and March 2021, respectively, and assigned to Judge Salas following a request to Your Honor, on the basis of relatedness. *BCBSA* was transferred to this District by the District for the District of Columbia in April 2021, and *Cigna* was transferred to this District by the Eastern District of Pennsylvania in May 2021; both of those cases, too, were assigned by Your Honor to Judge Salas.

Given the substantially identical factual and legal issues raised by the *MSP* action and the other related actions before Judge Salas, we respectfully request reassignment to Judge Salas pursuant to Local Civil Rules 40.1(c) and (d).

We have shared a draft of this letter with counsel for the *MSP* Plaintiffs, and they have authorized us to represent that they consent to such reassignment.

Respectfully submitted,

PASHMAN STEIN WALDER HAYDEN, P.C.
Attorneys for Defendants

A handwritten signature in black ink, appearing to read "Daniel R. Guadalupe", with a stylized flourish at the end.

Daniel R. Guadalupe
Partner

cc:

The Hon. Esther Salas (via ECF in *Humana*, *United HealthCare*, *BCBSM*, *BCBSA*, and *Cigna*)
The Hon. Kevin McNulty (via ECF in *MSP*)
The Hon. Michael A. Hammer (via ECF in *Humana*, *United HealthCare*, *BCBSM*, *BCBSA*, and
Cigna)
The Hon. James B. Clark (via ECF in *MSP*)
All Counsel of Record (via ECF in all cases)